

H.114

Introduced by Representatives Martin of Wolcott, Sweaney of Windsor, and
Woodward of Johnson

Referred to Committee on

Date:

Subject: Human services; child welfare services; child abuse registry

Statement of purpose of bill as introduced: This bill proposes to change the
standard for substantiation of child abuse from a reasonable person standard to
a preponderance of the evidence.

An act relating to the standard for substantiation of child abuse or neglect

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 4912 is amended to read:

§ 4912. DEFINITIONS

As used in this subchapter:

* * *

(16) "Substantiated report" means that the Commissioner or ~~the~~
~~Commissioner's~~ designee has determined after investigation that a report is
based upon accurate and reliable information ~~that would lead a reasonable~~
~~person to believe~~ proving by a preponderance of the evidence that the child has
been abused or neglected.

§ 4916a. CHALLENGING PLACEMENT ON THE REGISTRY

(e) At the administrative review conference, the person who requested the review shall be provided with the opportunity to present documentary evidence or other information that supports his or her position and provides information to the reviewer in making the most accurate decision regarding the allegation. The Department shall have the burden of proving that it has accurately and reliably concluded that ~~a reasonable person would believe that~~ the child has been abused or neglected by that person. Upon the person's request, the conference may be held by teleconference.

Sec. 3. EFFECTIVE DATE

VT LEG #304994 v.1